

**Little Rock Board of Directors Reconvened Meeting  
August 27, 2013  
4:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a recessed meeting with Mayor Mark Stodola presiding. Assistant City Toya Robinson called the roll with the following Directors present: Hendrix; Richardson; Hines; Wyrick; Kumpuris (enrolled at 4:09 PM) Fortson; Adcock; Vice-Mayor Wright and Mayor Stodola. Directors absent: Hurst and Cazort.

**GROUPED ITEMS (Items 1 - 15):**

**1. ORDINANCE NO. 20,764; Z-3875-C:** To approve modification to a Planned Zoning Development and provide for the establishment of a Planned Commercial District titled Richard's Auto Repair Short-Form PCD, located at 12819 Interstate 30, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The request is to amend the previously-approved PCD, Planned Commercial Development, to add automobile repair and automobile body repair as an allowable use of the site.

**2. ORDINANCE NO. 20,765; Z-4451-E:** To approve a Planned Zoning Development and establish a Planned Residential District titled Hunters Green Lot 18 Hunters Green Addition Revised PD-R, located at 75 Hunters Green Circle, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The applicant is requesting a replat of Lot 18 Hunters Green Addition to the City of Little Rock to allow a modification to the rear and side platted building line.

**3. ORDINANCE NO. 20,766; Z-4653-I:** To approve modification to a Planned Zoning Development and provide for the establishment of a Planned Commercial District titled Powell Brothers Revised Short-Form PCD, located at 1308 South Bowman Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The applicant is proposing to amend the previously-approved PCD, Planned Commercial District, to add additional land area to the development and provide a site plan for improvements to the newly-added land area.

**4. ORDINANCE NO. 20,767; Z-4923-O:** To approve a Planned Zoning Development and establish a Planned Commercial District titled Shackleford Crossing (Wal-Mart) Revised Long-Form PCD, located at 2700 South Shackleford Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The applicant is requesting to amend the approved site plan for Lot C Shackleford Crossing Subdivision (Wal-Mart) to allow for the placement of outdoor display of seasonal items within a specifically defined areas of the parking lot and along the front and the western side of the building.

**5. ORDINANCE NO. 20,768; Z-4923-P:** To approve a Planned Zoning Development and establish a Planned Commercial District titled Shackleford Crossing Lot 3 Revised Long-Form PCD, located in the 2800 Block of South Shackleford Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The request is to revise the previously-approved PCD, Planned Commercial Development, for Lot 3 of the Shackleford Crossing Shopping Center to allow for the placement of building signage on all four (4) facades of the building.

**6. ORDINANCE NO. 20,769; Z-7895-B:** To approve a Planned Zoning Development and establish a Planned Commercial District titled 7<sup>th</sup> and Woodrow Short-Form PCD and revoking the PCD Zoning for a portion of the property located at 712 – 724 Appian Way, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The request is the revocation of Ordinance No. 19,820, adopted by the Little Rock Board of Directors on September 18, 2007, and the rezoning of Lots 14 – 17 Block 12 of the Ferndale Addition to PCD, Planned Commercial Development.

**7. ORDINANCE NO. 20,770; Z-8261-A:** To repeal Ordinance No. 19,843, titled 501 Rector Street Short-Form PCD, and revoking a Planned Zoning District; **to declare an emergency;** and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The applicant is requesting revocation of a previously-approved PCD, Planned Commercial Development, and restoration of the underlying UU, Urban Use, District Zoning.

**8. ORDINANCE NO. 20,771; Z-8870:** To approve a Planned Zoning Development and establish a Planned Residential District titled Haskins Short-Form PD-R, located at 4001 North Lookout Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The request is a rezoning to PD-R, Planned Development – Residential, to allow for an addition to the existing single-family home inconsistent with the typical development standards of the Hillcrest Design Overlay District.

**9. ORDINANCE NO. 20,772; Z-8871:** To approve a Planned Zoning Development and establish a Planned Commercial District titled K Lofts, LLC, 315 Main Street Short-Form PCD, located at 315 Main Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The request is a rezoning of the property from UU, Urban Use District, to PCD, Planned Commercial Development, to allow for the redevelopment of this existing building with a mixed-use development.

**10. ORDINANCE NO. 20,773; Z-8872:** To approve a Planned Zoning Development and establish a Planned Commercial District titled The MM Cohn Building Main Street Lofts, LLC, 510 Main Street Short-Form PCD, located at 510 Main Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 2 absent; and 1 recusal. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The request is a rezoning of the property from UU, Urban Use District, to PCD, Planned Commercial Development, to allow for the redevelopment of this existing building with a mixed-use development.

**11. ORDINANCE NO. 20,774; Z-8873:** To approve a Planned Zoning Development and establish a Planned Commercial District titled Capitol Lofts, LLC, The Hall Davidson Building, 201 – 205 Capitol Avenue Short-Form PCD, located at 201 – 205 Capitol Avenue, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** The request is a rezoning of the property from UU, Urban Use District, to PCD, Planned Commercial Development, to allow for the redevelopment of this existing building with a mixed-use development.

**12. ORDINANCE NO. 20,775:** To condemn a certain structure in the City of Little Rock, Arkansas, as structural, fire and health hazards; providing for summary abatement procedures; directing the City Manager to take such action as is necessary, to raze and remove said structure; **to declare an emergency;** and for other purposes. *Staff recommends approval. (First Reading held on August 20, 2013)*

**Synopsis:** To condemn a commercial structure located at 5410 South University Avenue due to the fact that the owner failed to complete the repairs within the specified time frame per the Board of Directors.

**13. ORDINANCE NO. 20,776:** To dispense with the requirement of competitive bids and to authorize an agreement between the City of Little Rock, Arkansas, and Metro Little Rock Alliance for the purpose of economic development advertisement within the Central Arkansas area; *(First Reading held on August 20, 2013)***to declare an emergency;** and for other purposes. *(Deferred from August 6, 2013)*

**Synopsis:** The ordinance formally authorizes the City's participation in the Metro Little Rock Alliance; it also waives the requirement of competitive bidding for such services.

**14. ORDINANCE NO. 20,777:** To dispense with the requirement of competitive bids and to authorize an agreement between the City of Little Rock, Arkansas, and the Little Rock Regional Chamber of Commerce to provide economic development assistance; **to declare an emergency;** and for other purposes. *(Deferred from August 6, 2013) (First Reading held on August 20, 2013)*

**Synopsis:** The ordinance formally authorizes the City's participation in a contractual agreement with the Little Rock Regional Chamber of Commerce for economic development assistance during 2013; it also waives the requirement of competitive bidding for such services.

**15. ORDINANCE NO. 20,778:** To adopt a City of Little Rock Non-Uniform Employees Defined Benefit Pension Plan and Trust; to adopt an amended Non-Uniform Employees Defined Contribution Plan; and for other purposes. *(First Reading held on August 20, 2013)*

**Synopsis:** On March 19, 2013, the Board of Directors approved a resolution authorizing the City Manager to develop a Defined Benefit Retirement Program for full-time non-uniform employees of the City of Little Rock because the current defined contribution retirement program does not adequately provide benefits for long-term employees in that group. The plan document for the defined benefit program is being presented for approval, along with a revised defined contribution plan document.

Director Adcock made the motion, seconded by Director Hendrix, to suspend the rules and place the ordinances on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a second

time. Director Adcock made the motion, seconded by Director Hendrix, to suspend the rules and place the ordinances on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a third time.

As a result of several Board Members and other individuals present that wanted to speak on specific items, Mayor Stodola asked for a vote on Items 1 – 9 and 11. By unanimous voice vote of the Board Members present, **Ordinances 1 – 9 and 11 were approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 11 was approved.**

**10. ORDINANCE NO. 20,773; Z-8872:** To approve a Planned Zoning Development and establish a Planned Commercial District titled The MM Cohn Building Main Street Lofts, LLC, 510 Main Street Short-Form PCD, located at 510 Main Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 2 absent; and 1 recusal. Staff recommends approval. (First Reading held on August 20, 2013)*  
**Synopsis: The request is a rezoning of the property from UU, Urban Use District, to PCD, Planned Commercial Development, to allow for the redevelopment of this existing building with a mixed-use development.**

Director Hendrix asked that all the member of the LLC be recognized.

By unanimous voice vote of the Board Members present, **the ordinance was approved.**

**12. ORDINANCE NO. 20,775:** To condemn a certain structure in the City of Little Rock, Arkansas, as structural, fire and health hazards; providing for summary abatement procedures; directing the City Manager to take such action as is necessary, to raze and remove said structure; **to declare an emergency;** and for other purposes. *Staff recommends approval. (First Reading held on August 20, 2013)*  
**Synopsis: To condemn a commercial structure located at 5410 South University Avenue due to the fact that the owner failed to complete the repairs within the specified time frame per the Board of Directors.**

Lee Jordan, 5410 South University Avenue: Stated that he had not been able to finish the renovation in the in the allotted time given. Mr. Jordan stated that the front building was almost completed; however, he had not completed the rear building. Mr. Jordan asked for additional time to complete the project and if he was required to remove the rear structure, he would like to remove it himself.

Planning & Development Department Director Tony Bozynski stated that the owner had been given two (2), sixty (60) day extensions and it was staff's position that very little progress had been made and that the buildings should be removed.

By unanimous voice vote of the Board Members present, **the ordinance was approved.** By unanimous voice vote of the Board Members present, **the emergency clause was approved.**

**13. ORDINANCE NO. 20,776:** To dispense with the requirement of competitive bids and to authorize an agreement between the City of Little Rock, Arkansas, and Metro Little Rock Alliance for the purpose of economic development advertisement within the Central Arkansas area; **to declare an emergency**; and for other purposes. *(Deferred from August 6, 2013) (First Reading held on August 20, 2013)*

**Synopsis:** The ordinance formally authorizes the City's participation in the Metro Little Rock Alliance; it also waives the requirement of competitive bidding for such services.

**14. ORDINANCE NO. 20,777:** To dispense with the requirement of competitive bids and to authorize an agreement between the City of Little Rock, Arkansas, and the Little Rock Regional Chamber of Commerce to provide economic development assistance; **to declare an emergency**; and for other purposes. *(Deferred from August 6, 2013) (First Reading held on August 20, 2013)*

**Synopsis:** The ordinance formally authorizes the City's participation in a contractual agreement with the Little Rock Regional Chamber of Commerce for economic development assistance during 2013; it also waives the requirement of competitive bidding for such services.

Director Richardson asked for an explanation regarding the legal rationale for utilizing a sole-source contract for the two (2) contracts. City Attorney Tom Carpenter stated that in regards to the Metro Little Rock Alliance contract, there was only one (1) such entity that existed. City Attorney Carpenter stated that in regards to the Little Rock Regional Chamber of Commerce contract, the Chamber was conducting unique work in terms of economic development. Little Rock Regional Chamber of Commerce Executive Director Jay Chesshir stated that when the Chamber entered into the contractual relationship in 2006, they had tried to define the services so that there would be as much transparency in regards to the activity of the Chamber and its economic development effort. In addition, Mr. Chesshir stated that they had provided copies of the annual audit to the Board, which showed all revenues – both public and private – that were put into the economic development fund. Mr. Chesshir stated that the audit depicted the activities from a marketing, salary and travel standpoint.

By unanimous voice vote of the Board Members present, **the ordinances were approved**. By unanimous voice vote of the Board Members present, **the emergency clauses for Items 13 and 14 were approved**.

**15. ORDINANCE NO. 20,778:** To adopt a City of Little Rock Non-Uniform Employees Defined Benefit Pension Plan and Trust; to adopt an amended Non-Uniform Employees Defined Contribution Plan; and for other purposes. *(First Reading held on August 20, 2013)*

**Synopsis:** On March 19, 2013, the Board of Directors approved a resolution authorizing the City Manager to develop a Defined Benefit Retirement Program for full-time non-uniform employees of the City of Little Rock because the current defined contribution retirement program does not adequately provide benefits for long-term employees in that group. The plan document for the defined benefit program is being presented for approval, along with a revised defined contribution plan document.

Director Hurst stated that she understood that the plan was designed around a projected growth rate of 6% and asked what would happen if the fund did not meet the growth expectation. Jody Carrero, the actuary that had been involved in the development of the fund, stated that the projected growth that was planned to be assumed was actually 6.5%, and was lower than most public retirement systems. Mr. Carrero stated that a recent survey of public retirement systems showed that the average projected growth was 7.75%. Mr. Carrero stated that the following safeguards had been built into the

plan: 1) the plan allowed increases that were shared, so that all increases would not go on the City; and 2) the cost of living adjustment (COLA) stipulated that the plan had to stay 80%, or more, funded in order to pay the COLA yearly increases. Director Hurst asked if the safeguards were automatic or if they required the vote of the Board. Mr. Carrero stated that the safeguards were built-in.

Representative Jim Nichols, 1315 West 2<sup>nd</sup> Street: Stated that City Administration had worked with the State on developing the plan with the various stop-gaps to ensure that the non-uniform employees had a good solid retirement.

By unanimous voice vote of the Board Members present, **the ordinance was approved.**  
By unanimous voice vote of the Board Members present, **the emergency clause was approved.**

### **SEPARATE ITEMS (Item 16)**

**16. ORDINANCE NO. 20,779:** To abandon a portion of 9<sup>th</sup> Street near Corning Avenue; to approve use of the property by the Little Rock Airport Commission; **to declare an emergency**; and for other purposes. *(First Reading held on August 20, 2013)*

Director Adcock made the motion, seconded by Director Hurst, to suspend the rules and place the ordinances on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a second time. Director Adcock made the motion, seconded by Director Wyrick, to suspend the rules and place the ordinances on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a third time.

Director Richardson asked if the City was setting a precedent by not splitting the right-of-way between the two (2) property owners. City Attorney Carpenter stated that the City had handled a similar abandonment in 2001 that was for the Little Rock Airport and that this action would not set a precedent.

By unanimous voice vote of the Board Members present, **the ordinance was approved.**

**17. RESOLUTION 13,763:** To approve the sources and uses of projected 2014 CDBG, HOME and HOPWA Funds for inclusion in the City's Annual Plan; and for other purposes. *Staff recommends approval. (First Reading held on August 20, 2013)*  
**Synopsis: Approval of the sources and uses of projected 2014 CDBG, HOME, and HOPWA funds is required prior to completion of the City's Annual Plan, which must be submitted to HUD by November 15, 2013.**

Director Adcock made the motion, seconded by Director Hines, to approve the resolution. By unanimous voice vote of the Board Members present, with Vice-Mayor Wright voting in opposition, **the resolution was approved.**

**18. ORDINANCE:** To authorize the issuance of Industrial Development Revenue Bonds under the Municipalities and Counties Industrial Development Revenue Bond Law for the purpose of securing and developing industry; to authorize the sale of the bonds and the approval of a Bond Purchase Agreement and a Payment in Lieu of Taxes

Agreement in connection therewith; to authorize the execution and delivery of a trust indenture securing the Bonds; to authorize and prescribe certain matters pertaining to the project, the acquisition, construction, and equipping thereof, and the financing thereof; to authorize the execution and delivery of a lease agreement relating to the project; **to declare an emergency**; and for other purposes. *(First Reading held on August 20, 2013)*

Mayor Stodola stated that the request had been made that the ordinance be held on second reading.

Director Adcock made the motion, seconded by Director Hurst, to suspend the rules and place the ordinance on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a second time.

Director Hines made the motion, seconded by Director Richardson, to adjourn the reconvened meeting. By unanimous voice vote of the Board Members present, **the reconvened meeting was adjourned.**

**ATTEST:**

**APPROVED:**

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**Toya Robinson, Assistant City Clerk**

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**Mark Stodola, Mayor**